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CONFIDENTIAL - ATTORNEY WORK PRODUCT

MEMORANDUM TO ATTORNEY

TO: Cynthia C. Lie
FROM: Catherine Ward Neece *CWN*
DATE: January 11, 2008
RE: United States v. Elmer Ochoa-Alvarez
CR 07-00434 RMW
WITNESS: Danery Ochoa-Alvarez
011 504 974 41869
Arturo Quezada, Honduras

On January 9, 2008, I contacted Danery Ochoa-Alvarez at the telephone number listed above. Lupita Arce, Certified Spanish Interpreter, was also on the call.

I explained to Ochoa-Alvarez that I am an investigator with the Office of the Federal Public Defender in San Jose, California, and that I wished to speak with him regarding his brother, Elmer Ochoa-Alvarez. Ochoa-Alvarez agreed to speak to me.

Ochoa-Alvarez said that his date of birth was March 12, 1981. He is the youngest brother of the defendant, Elmer Ochoa-Alvarez.

Ochoa-Alvarez said that he recalled the time period in 1997 when Elmer was stabbed by members of the gang known as the Mara Salvatrucha (Mara). At the time of the stabbing, Ochoa-Alvarez said that he was away from home for two months studying at the Honduras Military Academy, but as soon as he returned home, he noticed that Elmer had been hurt, and he learned that Elmer had been to the doctor.

Ochoa-Alvarez said that he did not know the details of how, or why, the stabbing

occurred, but he did know that for some reason, the Mara was after Elmer, and they wanted him dead. The stabbing incident took place in the capital city of Honduras, which is Tegucigalpa. Ochoa-Alvarez said that Elmer is not, and never was, a member of the Mara.

Prior to this incident in 2001, Elmer had one or two less serious confrontations with the Mara, and that in one of them he had been hit. The confrontations took place in a town in Honduras called Al Quezada.

In addition to the stabbing that Elmer suffered from the Mara in 1997, Ochoa-Alvarez said that he also heard of another incident involving the Mara in which Mara members fired shots at Elmer while he was visiting their sister, Angelica. The shots were fired into the home where Angelica lived, and where Elmer was staying.

Ochoa-Alvarez said that Elmer did not tell him very many details regarding the shooting. Ochoa-Alvarez said that he believed that the shooting incident took place in 2002, but he is not sure. Ochoa-Alvarez said that at the time he was very busy, and that he does not remember very much about it. All that he knows is that for some reason, the Mara wanted Elmer dead.

Ochoa-Alvarez said that the Mara are very dangerous. Elmer was in very grave danger when he was in Honduras because of them. "The Mara" is the name that is most common for this gang, Ochoa-Alvarez said, but it is also known as the MS, the number 13, Salvatucha, and Equipe 3.

One of the reasons that the Mara have caused problems for their family, Ochoa-Alvarez said is because their brother, Alexis, is a bodyguard for a famous politician in Honduras who is at odds with the Mara.

Ochoa-Alvarez said that their father was very hard on all of his older brothers, but he was less severe with the younger ones. This was due to the fact that their father had a stroke. After his stroke, he was not as harsh on his children as he had been prior to it.

Ochoa-Alvarez said that he never witnessed the torture that his father inflicted on Elmer himself, but he did see the aftermath of what their father had done to him. Ochoa-Alvarez said that he recalls seeing bruises that Elmer had sustained at the hands of their father on his shoulders, back, legs, and wrists.

Ochoa-Alvarez said that Elmer always had marks on his neck and hands from being hit by their father from the time that Ochoa-Alvarez can remember until Elmer was about 20 or 21 years old. Ochoa-Alvarez said that he is not sure when Elmer first came to the United States.

Ochoa-Alvarez said that he has the most education of all of the children in his family. He went to public school for the lower grades and then entered and graduated from the United States equivalent of high school in Comayagua Esquias and the Instituto Central Vicente Cáceres in

Tegucigalpa, Honduras. He graduated in 1999 with a high school diploma specializing in Sciences and Letters at the age of 18 years old. He then entered the Military Academy of Honduras in 2000, and graduated as a sub-lieutenant of the infantry and agricultural administration in 2003. He was promoted, for the second time, in 2007, to Infantry Lieutenant, and commander of his company.